

TODD M. MALYNN (SBN 181595)
tmalynn@polsinelli.com
POL SINELLI LLP
2049 Century Park East, Suite 2900
Los Angeles, CA 90067
Telephone: 310.556.1801
Facsimile: 310.556.1802

Attorneys for Defendant
PENGUIN MAGIC, INC.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

YIGAL MESIKA, an individual,

Plaintiff,

vs.

PENGUIN MAGIC, INC., a Nevada
corporation, DOES 1-10, inclusive,

Defendant.

Case No. 2:15-cv-09314-RGK-DTB

[PROPOSED] JUDGMENT

Judge: Hon. R. Gary Klausner
Date: October 31, 2016
Time: 9:00 a.m.
Place: Courtroom 850
255 E. Temple St.
Los Angeles, CA 90012

The Court, having read and considered, *inter alia*, Defendant Penguin Magic's Memorandum of Points and Authorities, Statement of Uncontroverted Facts and Conclusions of Law and supporting evidence, and having issued an Order GRANTING Defendant Penguin Magic's Motion for Summary Judgment, **HEREBY ENTERS JUDGMENT AS FOLLOWS:**

1. United States Trademark Registration No. 3,782,721 is invalid and hereby cancelled pursuant to 15 U.S.C. § 1119;
2. United States Trademark Registration No. 3,978,477 is invalid and hereby cancelled pursuant to 15 U.S.C. § 1119;
3. Defendant Penguin Magic has not infringed any valid, protectable trademark right in the mark "LOOPS" allegedly held by Plaintiff Yigal Mesika;

1 4. Count 1 of Plaintiff Yigal Mesika's complaint is dismissed with
2 prejudice;

3 5. Count 2 of Plaintiff Yigal Mesika's complaint is dismissed with
4 prejudice;

5 6. Count 3 of Plaintiff Yigal Mesika's complaint is dismissed with
6 prejudice; and

7 7. Count 4 of Plaintiff Yigal Mesika's complaint is dismissed with
8 prejudice.

9 8. Plaintiff Yigal Mesika's is liable to Defendant Penguin Magic for
10 costs and attorneys' fees in the amount of _____.

11
12 Dated: September 28, 2016 By: /s/ Todd Malynn

POLSINELLI PC

CERTIFICATE OF SERVICE

I certify that on September 28, 2016, the foregoing document was served on Plaintiffs' counsel of record by operation of the Court's CM/ECF system.

By: /s/ Todd Malyn

POLSINELLI PC